

*IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

**David A. Ramey**

Case No. **3:18-BK-33725-MPP**  
Chapter 7

Debtor.

**MOTION TO COMPEL TURNOVER OF PROPERTY AND FOR AN ACCOUNTING**

**NOTICE OF HEARING**

**Notice is hereby given that:**

**A hearing will be held on the Motion to Compel Turnover on April 5, 2018, at 9:30am, in Courtroom 1B located at United States Bankruptcy Court, Howard H. Baker Jr. U.S. Courthouse 800 Market Street Knoxville, TN 37902.**

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you wish to have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

**If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend this hearing, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.**

Comes Michael H. Fitzpatrick, Trustee, by and through counsel, moves the Court for an order to compel the debtor to turnover property that belongs to the estate:

1. The Debtor filed a voluntary Chapter 7 petition on December 7, 2018. Michael Fitzpatrick was appointed as Chapter 7 trustee, and continues to serve in that capacity.

2. The trustee's investigation revealed that the debtor's father passed away on December 26, 2018 and the debtor inherited an unknown amount of assets as a result. It is the trustee's contention that the debtor's inheritance is an estate asset pursuant to 11 U.S.C. 541(a)(5).

3. The trustee's investigation into the exact amount of the inheritance is ongoing, and the matter is being administered by the Probate Court of Loudon County, Tennessee.

4. At the 341 meeting that occurred on March 12, 2019 the debtor admitting to obtaining \$17,000.00 from his deceased father's bank accounts in order to purchase a new car.

5. The debtor informed the trustee that \$4,000.00 remained from the initial \$17,000.00 after the vehicle purchase.

6. The trustee demanded turnover of the remaining \$4,000.00 at the 341 meeting, and the debtor was informed that he could not spend any more of the remaining balance. The demand for turnover of the remaining balance was confirmed in writing on March 14, 2019. See Attached Exhibit A.

7. As of the filing of this motion, the debtor has not turned over the remaining balance.

8. Upon further investigation, the trustee believes that the debtor may have taken additional vehicles, firearms, and other valuable items from the inheritance that may constitute assets of the estate.

9. As result, the remaining \$4,000.00 balance from the earlier bank withdrawal is property of the estate and is subject to turnover by the debtor pursuant to 11 U.S.C. § 542(a).

10. The trustee also requests that the debtor provide a full accounting of all assets that he inherited from his father, and identify their location pursuant to 11 U.S.C. §542(a).

11. Finally, the trustee requests that the debtor turn over all inherited assets in his possession, as any remaining inheritance is property of the estate pursuant to 11 U.S.C. § 541(a), and subject to turnover pursuant to 11 U.S.C. § 542(a).

**WHEREFORE**, the undersigned prays that the court enter an order compelling the immediate turnover of all proceeds of the debtor's inheritance, a full accounting of all inherited assets in his possession, and turnover of any additional inheritance in his possession.

Respectfully submitted,

/s/ Ryan E. Jarrard

Ryan E. Jarrard, Esq.

BPR No. 024525

Attorney for Michael H. Fitzpatrick, Trustee

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion and proposed Order have been served upon the indicated parties by placing a copy thereof in the U.S. Mail, first class postage prepaid, via email or ECF this March 15, 2019:

Office of the U.S. Trustee  
VIA ECF

Elliot J. Schuchardt  
VIA ECF

All Parties in Interest on the attached list via US Mail

/s/ Ryan E. Jarrard

ATTORNEY